

FILED

MAR - 8 2011

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY JSW DEPUTY CLERK

United States of America

vs.

(4) Gabriel Garcia  
*Defendant*

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Criminal No. SA:11-M -00172(4)

## DETENTION ORDER

At the initial appearance of the defendant, the government requested that the defendant be detained without bond pending trial pursuant to Title 18 U.S.C. Section 3142(f). On the date of the detention hearing, the defendant, with his/her counsel, and the attorney for the government appeared, and the parties announced an agreement to detain defendant without bond. The defendant is aware of his/her rights to a detention hearing and to require the government to meet its burden of proving that no conditions of release exist which will reasonably assure his appearance in court and the safety of the community. Defendant knows that if he waives his/her detention hearing, he/she will remain in custody pending trial. By signing this Detention Order, defendant acknowledges that he/she has no questions and understands his/her rights and the consequences of waiving those rights, and agrees to be detained without bond pending trial. Upon consideration of defendant's waiver, the charge against him/her, and the report of the Pretrial Services Office, the Court finds that, at this time, no conditions of release will reasonably assure the appearance of the defendant in court and the safety of the community. Should information having a material bearing on the issue of release subsequently become available, indicating a change in the defendant's circumstances, the defendant, through counsel, may file a motion requesting a bond hearing.

It is, therefore, ORDERED that:

- (1) Defendant be detained without bond pending trial;
- (2) Defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (3) Defendant be afforded reasonable opportunity for private consultation with counsel; and

- (4) On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States marshal for the purpose of an appearance in connection with any court proceeding.

APPROVED:

Gabriel Garcia

(4) GABRIEL GARCIA, *Defendant*

Mario A. Trevino

MARIO TREVINO

*Attorney for Defendant*

The Court **RECOMMENDS** that, should defendant be convicted, defendant's waiver of the detention hearing be considered in determining whether to award credit for acceptance of responsibility under the Sentencing Guidelines.

Signed this 8<sup>th</sup> day of MARCH, 2011.

John W. Primomo  
JOHN W PRIMOMO  
U.S. MAGISTRATE JUDGE